

There is one issue, however, that still gives me great concern; that is, the funding in this bill for the proposed National Bio and Agro-Defense Facility. The final conference report includes my amendment requiring DHS to conduct a security and risk mitigation study before getting any money for construction of the bio facility. It also includes an additional requirement that the National Academy of Sciences puts its independent eyes on the Department's study before funds go out the door.

This is a good start, but it is not enough. I do not understand why we are going to appropriate \$30 million for a project we need not one but two studies about whether this project can move forward safely.

Independent experts have real concerns about building the NBAF in the heart of the beef belt where an accidental or intentional release of foot-and-mouth disease could have disastrous consequences for America's livestock industry, and that industry includes Montana where the livestock industry is a \$1.5 billion industry.

This facility will house some of the most dangerous agricultural diseases around the world. We should not start doing this research on the U.S. mainland and in the middle of tornado alley without taking every possible precaution.

On a matter this serious, we ought to measure twice and cut once. Regrettably, by giving the Department \$30 million this year, we are not heeding that old saying.

The GAO, the subcommittee, and independent experts acknowledge that we do not know if this research can be done safely on the U.S. mainland. We all agree that an accidental release of foot-and-mouth disease or another dangerous disease from this facility would devastate America's livestock industry. Yet we are providing the money to go ahead with it anyway.

Why not just wait and do the studies this year and then the Department can come back to us with their revised funding request next year?

I understand this has to do with getting Kansas to sign a cost-sharing agreement. But are we convinced Kansas will not put forward the money next year if this facility is to be built there?

If this facility is built in Kansas, the United States will become the only country, other than England and Canada, to do FMD research on a mainland. Everyone else does it on an island.

England had an accidental release in 2007 which led to eight separate outbreaks of FMD on farms surrounding their facility. Canada at least does it in an urban area far from livestock production areas.

Congress's nonpartisan, independent auditor, the Government Accountability Office, has sounded the alarm on this issue. They are telling us that Homeland Security has not conducted

or commissioned any study to determine whether foot-and-mouth disease work can be done safely on the mainland.

Proponents of this facility have said it is OK to do this research because the new Kansas facility will have the most modern technology and all the safety bells and whistles that Plum Island lacks. But the GAO rightfully argues this view only encourages a false sense of security.

The GAO says:

Even with a proper biosafety program, human error can never be completely eliminated. Many experts told us that the human component accounts for the majority of accidents in high-contaminant laboratories. This risk persists, even in the most modern facilities and with the latest technology.

I know I am not the only Senator who shares the GAO's concern. So I look forward to working with many of my colleagues on this issue again next year. We do need to pay attention to what these studies say, and as a member of this subcommittee, I will be watching it very closely.

The Department is going to come here next spring with a \$500 million request for funding for this project. That is a lot of money. But the true cost of doing this research in the middle of tornado alley could be much higher. The cost of cleaning up after an FMD release—the culling of entire herds of livestock, the loss of foreign agricultural sales that will endure for years after a release, and the loss of America's food security—will be measured in the tens of billions of dollars. That is something America cannot afford, and we must not let it happen.

Madam President, I yield the floor and suggest the absence of a quorum. I ask that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

Mr. BYRD. Madam President, I ask unanimous consent that the Senate stand in recess until the hour of 2:15 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon the Senate, at 12:26 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I believe we are going to be considering the Homeland Security conference report. I want to spend a few minutes talking about that so that the American public might realize what we are doing. This year's spending totals have averaged, on individual appropriations bills, anywhere from a high of 24 percent to a low of about .6 percent, on one bill that had received twice its annual appropriation in the stimulus. We have of course a conference report that is \$42.7 billion. That is a 6.5, almost 7-percent increase over last year, the same the year before, and a 23-percent increase the year before that. There is no question, homeland security is an important part.

The issue I want to raise with my colleagues and the American people is, we had inflation of 1.5 percent last year. We do have one bill, one bill that has come in at inflation or less. All the rest are averaging around 10, 11, 12 percent increases. We ought to be concerned about what the Congress is doing in terms of increasing the spending in light of the fact that we have just finished a year in which we had a published \$1.4 trillion deficit. But those are Enron numbers. That is Enron accounting because we didn't recognize all the money we borrowed from trust funds that don't go to the public debt, that are internal IOUs that our children nevertheless will still have to pay back.

The real reason I want to talk about this bill is because it purports to have an amendment on competitive bidding. I will grant that the amendment is better than no amendment, but the American people should be outraged at what we have done on competitive bidding in this bill. What we have said is we want competitive bidding—except for our friends. If you are connected to a Senator through an earmark or if you are connected through a grant process, what we have done is taken a large number of grants and directed them specifically without competitive bidding. What does that mean to the process? What does that do to the integrity of the process? It says if you are well heeled and well connected, then in fact you can have what you want on a non-competitive basis, because that is what the amendment in the bill says. But if in fact you are not, then you will have to compete on the basis of merit and price like everybody else in the country.

Once again we have earned our lack of endorsement by the American public because of what we have said: "Unless otherwise authorized by statute without regard to the reference statute." Those are fancy words for saying we want competitive bidding on everything except earmarks and the congressional directive we have in this bill.

That means if you have a business and you have an earmark, you didn't have to be the best business to get